

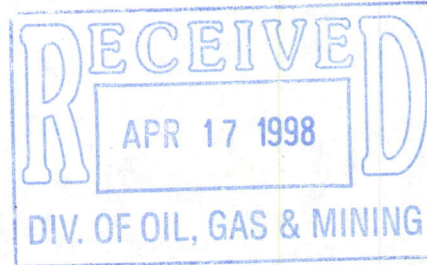


# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
HOUSE RANGE/WARM SPRINGS RESOURCE AREA  
35 East 500 North  
Fillmore, UT 84631



m/027/032



IN REPLY REFER TO:  
3809  
(U-055)  
UTU-070557

April 15, 1998

CERTIFIED MAIL # Z 432 442 575  
RETURN RECEIPT REQUESTED

## DECISION

GORDON GRIFFIN, PRESIDENT	:	
RED DOME INCORPORATED	:	43 CFR §3809
7 RAMSHORN COURT	:	SURFACE MANAGEMENT
SKIDAWAY ISLAND	:	NOTICE OF NONCOMPLIANCE
SAVANNAH GA 31411	:	

### Notice for Failure to Submit a Plan of Operations.

Red Dome Inc. is currently conducting operations at the Red Dome quarry, located southwest of Flowell, Utah, in Secs. 22, 23, 26, and 27, T. 21 S., R. 6 W., SLBM. Red Dome Inc. submitted a Plan of Operations (Plan) that was approved on July 2, 1991 contingent upon the acceptance of a reclamation bond by the Utah Division of Oil, Gas and Mining (UDOGM). UDOGM never calculated the bond amount, and thus your existing plan was never formally approved.

Red Dome has been operating without an approved Plan since 1981 when the Surface Management Regulations (43 CFR 3809) went into effect.

This office informed Mr. Dexter Anderson, the local attorney for Red Dome Inc., by letter dated October 6, 1997 of the need to file an updated Plan and to submit a bond for the operation conducted on the Red Dome quarry. That letter allowed forty-five (45) days from receipt to submit the updated Plan and bond. The Plan and bond were due November 23, 1997.

In a letter dated December 12, 1997, Mr. Anderson requested a ninety (90) day extension. A ninety day extension from January 8, 1998, was granted in an letter to him dated January 8, 1998. You were sent a copy of this letter. The updated Plan and bond were due April 8, 1998 and have yet to be received.

You are in Noncompliance with the following regulations:

1. 43 CFR 3809.1-4(a) - An approved plan of operations is required prior to commencing [o]perations which exceed the disturbance level (5 acres) described in §3809.1-3 of this title.
2. 43 CFR 3809.1-9(a)(2) - No operator or claimant shall [c]onduct operations under a plan of operations without providing the

authorized officer with the appropriate financial guarantee as required by paragraphs (g) through (j) of this section.

To correct this situation, you must within 30 days of the receipt of this Notice of Noncompliance:

1. Submit an updated Plan of Operations; and
  2. Submit the required reclamation financial guarantee or bond;
- OR
3. Commence immediate reclamation of your operation to be completed no later than 45 days after the receipt of this Notice of Noncompliance. Reclamation shall include:
    - a) Reduce all mine and waste dump slopes to a 3:1 (horizontal:vertical) maximum;
    - b) Remove all structures;
    - c) Remove all trash and debris; and
    - d) Seed all areas capable of supporting vegetation with an approved, certified weed-free seed mix.

Your reclamation bond must be for 100% of the estimated reclamation cost, however, the bond amount may be no less than \$2,000 per acre or fraction thereof. According to the Memorandum of Understanding between UDOGM and the BLM, the bond should be submitted to UDOGM unless they are unwilling to accept it. If UDOGM does not certify the bond amount, the estimated reclamation cost must be certified by a third party professional engineer, registered to practice in the State of Utah. If UDOGM does not accept the bond, it should be submitted to the Utah State Office of the BLM.

Failure to complete the above steps will result in the establishment of a record of noncompliance. Once a record of noncompliance is established, a plan of operations must be submitted within 30 days under section 3809.1-9 for all existing and subsequent operations that would otherwise be conducted pursuant to a notice (3809.1-3). In addition, the operator or mining claimant will have 90 days to post with the Utah State Office a financial guarantee (bond) for all existing disturbances for which they are responsible. Failure to timely submit the financial guarantee will result in withdrawal of approval of all existing mining activity. Continuation of mining activity, without submission of a Plan and of the required financial guarantee may result in fines, or imprisonment or both.

A copy of the 43 CFR §3809 regulations and several forms are enclosed for your convenience. The use of these forms is not required by the BLM, however the information contained on them is required (except the Reclamation Cost Estimation Summary Sheet and the UDOGM Notice of Intention to Commence Large Mining Operations Form). You may use any format to submit the required information that you deem appropriate. UDOGM does require the use of their form.

In accordance with 43 CFR 3809.4, you have the right of appeal to the Utah State Director, Bureau of Land Management. If you exercise this right, your appeal, accompanied by a statement of reasons and any


arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

The statement of reasons should contain the following information:

1. The name and mailing address of the appellant,
2. (If applicable,) the name and serial numbers of any mining claims which are subject to the appeal, and
3. A statement of reasons for the appeal and any arguments you wish to present, which would justify reversal of modification to the decision.

If you have any questions regarding this notice of noncompliance please call Ron Teseneer at 435-743-3126.

Sincerely,

  
for Rex Rowley  
Area Manager

5 Enclosures

- 1 - Notice or Plan of Operations Form (2 p.)
- 2 - UDOGM Notice of Intention to Commence Large Mining Operations Form (14 p.)
- 3 - Third Party Professional Engineer's Review (1 p.)
- 4 - Reclamation Cost Estimation Summary Sheet (2 p.)
- 5 - 43 CFR 3809 Regulations (23 p.)

cc: Dexter Anderson, Attorney, Red Dome Inc., SR Box 52,  
Fillmore UT 84631  
Red Dome Inc., PO Box 52, Fillmore UT 84631